IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY PETITION NO.61 OF 2001

Grasim Industries Ltd. & anr. Petitioners
vs.
Dharti Builders & Developers
Pvt.Ltd. Respondents

Mr.D.G.Rangraj for the petitioners.

CORAM : ANOOP V. MOHTA,J.

DATED : 18th October, 2007

P.C.

The petitioners have invoked Sections 433, 434 of the Conmpanies Act, 1956 as the respondent-company failed to make payment of Rs.2,60,595/- being principal and interest thereon of Rs.1,52,408/- inspite of the service of statutory notice. There is no dispute about the transaction. On the contrary various cheques were dishonoured. There is no reply to the statutory notice as referred above.

2. This Court, therefore, on 7th June, 2001 admitted the petition. None appeared for the respondent though served.

3. The petitioners have complied with all the legal formalities. Though name of the Advocate is shown, there is no reply and there is no defence whatsoever

raised to the admitted liability as recorded in the petition. In the result, the averments made in the petition remained uncontroverted. The claim is also within limitation.

4. Taking all this into account, sufficient case has been made to allow the petition in terms of prayers (a) and(b). The petition is accordingly allowed in terms of prayers (a) and (b) which read thus:

> (a) That this Hon'ble Court be pleased to wind up M/s.Dharti Builders & Developers Pvt.Ltd. ("the Respondents") by and under order and direction of this Hon'ble Court:
>
> (b) That this Hon'ble be pleased to appoint the Official Liquidator of this Hon'ble Court or some other fit or proper person/s as the Liquidator of M/s.Dharti Builders &Developers Pvt.Ltd. ("the Respondents") with all necessary powers under the provisions of the Companies Act, 1956 and in law generally.

[ANOOP V. MOHTA,J.]